

(e1) The Secretary shall adopt rules and procedures for: (i) the certification of a minority business contractor, as defined in G.S. 143-128.2(g), as a historically underutilized business; and (ii) the creation and maintenance of a database of the businesses certified as historically underutilized businesses. The database shall be created and maintained by the Department of Administration, Office of Historically Underutilized Business, and shall include the necessary procedures and rules for certification as a historically underutilized business."

**SECTION 3.** Article 8 of Chapter 143 of the General Statutes is amended by adding a new section to read:

**"§ 143-128.4. Historically underutilized business defined.**

(a) As used in this Chapter, the term "historically underutilized business" means a business that meets all of the following conditions:

- (1) At least fifty-one percent (51%) of the business is owned by one or more persons who are members of at least one of the groups set forth in subsection (b) of this section, or in the case of a corporation, at least fifty-one percent (51%) of the stock is owned by one or more persons who are members of at least one of the groups set forth in subsection (b) of this section.
- (2) The management and daily business operations are controlled by one or more owners of the business who are members of at least one of the groups set forth in subsection (b) of this section.

(b) To qualify as a historically underutilized business under this section, a business must be owned and controlled as set forth in subsection (a) of this section by one or more citizens or lawful permanent residents of the United States who are members of one or more of the following groups:

- (1) Black. – A person having origins in any of the black racial groups of Africa.
- (2) Hispanic. – A person of Spanish or Portuguese culture having origins in Mexico, South or Central America, or the Caribbean islands, regardless of race.
- (3) Asian American. – A person having origins in any of the original peoples of the Far East, Southeast Asia, Asia, Indian continent, or Pacific islands.
- (4) American Indian. – A person having origins in any of the original Indian peoples of North America.
- (5) Female.
- (6) Disabled. – A person with a disability as defined in G.S. 168-1 or G.S. 168A-3.
- (7) Disadvantaged. – A person who is socially and economically disadvantaged as defined in 15 U.S.C. § 637."

**SECTION 4.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 4<sup>th</sup> day of August, 2005.

Became law upon approval of the Governor at 4:19 p.m. on the 12<sup>th</sup> day of August, 2005.